



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF ISIOLO

1ST COUNTY ASSEMBLY – THIRD SESSION

REPORT OF THE COMMITTEE OF LIVESTOCK, AGRICULTURE AND FISHERIES ON
THE ISIOLO COUNTY ANIMAL WELFARE BILL, 2015

December, 2015

1.0 PREFACE

Mr Speaker Sir, on behalf of members of the Committee of Livestock, Agriculture and Fisheries, it is my duty and privilege to present this report to this Honorable House under Standing Order 123 (4) of our Assembly Standing Orders. The report on the Isiolo County Animal Welfare Bill No 8 of 2015 was the result of painstaking effort by members who expended their time and energies to come up with the proposed amendments as contained in this report.

1.1 BACKGROUND

Mr Speaker Sir, the Isiolo County Animal Welfare Bill, 2015 was read in the House for the first time on Wednesday, October 7, 2015. Mr. Speaker Sir, the Bill was subsequently referred to the Sectoral Committee on Livestock, Agriculture and Fisheries. The Committee was tasked with the responsibility of fine tuning the bill, receiving and considering expert opinions, and generally conducting public participation by considering the views of the public and other stakeholders as required under the Constitution.

This Committee, Mr Speaker, is obliged under Standing Order 123 (4) of our Assembly Standing Orders to report to the Assembly, its findings and recommendations on the Bill.

1.2 MEMBERSHIP OF THE COMMITTEE

Mr Speaker, the Sectoral Committee on Agriculture, Livestock and Fisheries comprise the following members.

1. Hon. Paul Mero-C/M
2. Hon.Dheka Bonja
3. Hon.Abdi Sora
4. Hon.Sadia Abdi
5. Hon.Nura Diba
6. Hon. Moses Kithinji
7. Hon. Gladys Atiku

1.3 PUBLIC PARTICIPATION

Mr Speaker Sir, one of the important innovations in the architecture of the Constitution of Kenya 2010, is the requirement to involve the public in law making. With regard to legislation in the County Assembly, Article 196(1) of the Constitution of Kenya provides that, **‘The County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees’**.

Mr Speaker Sir, as you are aware, the Assembly is in the process of enacting an integrated Civic Education and Public Participation law. Mr Speaker, in order to mainstream public participation

in law making, we have borrowed best practices from other jurisdictions, and in due course, the Assembly will enact this key legislation, which is one of the most comprehensive in the entire country.

In fulfillment of the constitutional requirement to involve the public in legislation, the joint committee, through the office of the Clerk to the Assembly, sent out notices to members of the public on November 2, 2015 inviting them to make their written comments and representations on this Bill to the Clerk on or before November 11, 2015. Mr Speaker, other than seeking written comments and memoranda, we also subjected the Bill to further public participation by facilitating an interactive session with members of the public at a forum held at the Catholic Hall, Isiolo on November 18, 2015. Special care was taken to ensure a sizeable number of participants drawn from all the wards attended the public forum. We are pleased to report that the views and suggestions of members of the public have been incorporated in the proposed amendments in as far as it was possible. It is hoped that with the anticipated enactment of the Isiolo Civic Education and Public Participation Bill into law, public participation in the legislative process of the Assembly will gather pace.

1.4 COMMITTEE SITTINGS

Mr Speaker Sir, the Committee retreated for purposes of scrutinizing the Bill and proposing amendments for consideration by the Committee of the Whole Assembly. The Committee met in Meru at the Elsa Hotel November 20 and 23, 2015.

2.0 OBSERVATIONS, FINDINGS AND RECOMMENDATIONS

Mr Speaker Sir, our observations and findings are set out here below in the body of our report at 4.0. Mr Speaker, the Committee went through the draft Bill with a fine tooth comb and in some instances, proposed drastic changes to the Bill.

Mr Speaker, the reason for enacting this Bill is to eradicate cases of cruelty to animals, particularly poor treatment of beasts of burden like donkeys. Whereas rural households and small urban businesses rely on donkeys and oxens as draught animals for transport, they are in most instances mistreated, starved and kept under poor hygienic conditions.

This Bill therefore seeks to make provision for protection of animals and other connected purposes.

Other than a few changes, the letter and spirit of the Bill remains essentially the same but for some proposed amendments.

3.0 ACKNOWLEDGEMENT

Mr Speaker Sir, on behalf of the joint committee and on our own behalf, we wish to register our appreciation to your office and that of the Clerk to the Assembly for facilitating the work of this committee and for ensuring that the logistical and documentation aspects of our work was attended to, sometimes at short notice.

Mr Speaker Sir, allow me to thank in similar vein, the members of the joint committee for their seriousness and commitment in interrogating the Bill and coming up with this report which we are pleased to table before the house today.

4.0 PRELIMINARY

PART I – PRELIMINARY

1. In clause 1 in the arrangement of clauses, add “ **and commencement**” so that it reads “ Short Title and Commencement”
2. In the long title(page 3 of the Bill) of the Bill, insert the following words at line 3 immediately after and, “ **matters related to health services and**”
3. In PART 1 – PRELIMINARY(page 3 of the Bill), add immediately after Short Title, “ **and Commencement**”
4. In clause 1 page 3 of the Bill, remove the full stop after 2015 and insert, “**and shall commence on the date of publication in the Gazette**”.
5. In clause 2 on Interpretation, insert the following interpretation immediately after “caregiver”, “**director**” means the county director responsible for matters relating to **Agriculture, Livestock and Fisheries as the case may be**”.

PART II – PROTECTION OF ANIMALS

6. In clause 3(page 4 of the Bill), insert **(1)** immediately after the full stop following 3.
7. At clause 3 now **(1)** (a), delete the words appearing between has and food and insert in their place, “**reasonable access to**”
8. At clause 3(3) (page 5 of the Bill), delete the **(1)** immediately following after Sub-section and replace it with “ **(2)**”
9. Delete the entire text of Clause 4 **(j)** (page 5 of the Bill).
10. clause 4(k) now becomes clause 4 (j) and clause 4(l) now becomes clause 4(k)
11. At clause 4(3) line 2 (page 6 of the Bill), delete “ **three hundred**” appearing immediately after “ exceeding” and substitute it with “ **fifty**”
12. At clause (5) (c) line 1, delete the comma appearing between “receive” and “money” and at line 6, substitute “**one hundred**” with “**thirty**”.
13. At clause 7(1)(b) line 6, replace the word “ **two hundred**” coming immediately after “**exceeding**” and replace it with “**fifty**”

14. At clause 8(1)(c) line 3, replace the word “two hundred” with “fifty”
15. At clause 9(1)(b) line 2, insert the word “is” between “and” and “liable” and replace the word “ two hundred” appearing immediately after “exceeding” with “fifty”
16. At clause 10(1) line 5, insert the word is between and and liable and add letter t to the word no appearing after fine.
17. At clause 12(3) line 2, replace the word two hundred coming immediately after exceeding and replace it with fifty.
18. At clause 13(1) line 2, insert the word is between and and liable and at line 3, replace one hundred with twenty.

PART III – INTERVENTION

19. At clause 17 line 1, insert the word public between the words county and service and at line at line 2, delete the word board appearing immediately after member.
20. At clause 18(1)(b) line 2, delete the word or veterinary appearing after authority.
21. At clause 19(1)(b) line 3, delete letter n from the word an coming immediately after authorizing and delete the word and appearing immediately after veterinary and replace it with or.
22. At clause 19(5) line 2, add the letters ed to the word enter
23. At clause 19(6)(b) line 3, replace the word two million with one hundred and at line 4, replace the word three years with one year.
24. At clause 25(c) line 1, delete appeal board and replace it with county executive committee member may

PART IV – DISPOSING OF SEIZED ABANDONED ANIMALS

25. In the sub-heading of part iv, insert letter N to the word ABADONED immediately between the letters A and D to read ABANDONED
26. At clause 31(a) line 1, delete the letter n from the word an to read a
27. At clause 36(1) line 2, delete the number 34 and replace it with under Section 35(2)
28. At clause 36(3)(b) line 3, delete the word three and replace it with seven

PART V – LICENSING PROVISIONS

29. At clause 39(3) line 2, delete the letter n from the word an to read a
30. At clause 39(4) line 5, add the letter s to the word offspring to read offsprings

PART VI – GENERAL PROVISIONS

- 31. At clause 48(1)(a) line 1, delete the word five and replace it with one and at line 2, delete the word twelve and replace it with six.
- 32. At clause 50(3) line 2, delete the word governor and replace it with county executive committee member
- 33. At clause 51 line 2, delete the letter n from the word an coming immediately before the word veterinary to read a
- 34. At clause 52(e)(iii) delete the word and coming immediately after the comma

MEMORANDUM OF OBJECTS AND REASONS

- 35. In part iv line 5 of the memorandum, change the case of the letter P in the word Proceeds from upper to lower case and in part vi line two of the memorandum, change the case of the letter O in the word Offences from upper to lower case.

5.0 DECLARATION BY MEMBERS

Mr. Speaker Sir, I wish to confirm that the recommendations of this report were adopted by members of the committee as signified by the respective members. Mr. Speaker, it is now my pleasure and duty to table the report and recommend the same for adoption by this Honourable House.

NAME	DESIGNATION	SIGNATURE
1. Hon. Paul Mero-	Chairperson
2. Hon.Dheka Bonja	Member
3. Hon.Abdi Sora	“
4. Hon.Sadia Abdi	“
5. Hon.Nura Diba	“
6. Hon. Moses Kithinji	“
7. Hon. Gladys Atiku	“

SIGNED ::

THIS:::::::::::::::::::::::::::::::::::: **DAY OF** ::::::::::::::::::::::::::::::: **2015**

HON. PAUL MERO

CHAIRMAN, SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES